IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WP(C).No. 751 of 2007(M)

PETITIONER:
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1. SUHRUTHAN, S/O.SREEDHARAN,
`SREE MANGALAM' SAKTHIKULANGARA P.O.,
KOLLAM.

2. ALBERT, `LITTLE PARADISE',
KAVANADU P.O., SAKTHIKULANGARA, KOLLAM.

BY ADV. SRI.RAJA VIJAYARAGHAVAN
SRI.R.RENJITH

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED
BY THE SECRETARY, CO-OPERATIVE DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE ASSISTANT REGISTRAR OF
CO-OPERATIVE SOCIETIES, ARBITRATOR,
OFFICE OF THE ASSISTANT REGISTRAR OF
CO-OPERATIVE SOCIETIES, KOLLAM.

3. THE COASTAL URBAN CO-OPERATIVE BANK,
NO.3036, MAIN BRANCH, KOLLAM-13,
REPRESENTED BY ITS SECRETARY.

R1 BY GOVERNMENT PLEADER (SHRI P.K. RAVIKRISHNAN)

BY ADV. SRI.JOHNSON GOMEZ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C). NO.751 OF 2007 M

PETITIONERS' EXHIBITS:

EXT.P1 **TRUE PHOTO COPY OF THE AWARD DATED 30.11.2002 PASSED BY THE SECOND RESPONDENT.**

EXT.P2 **TRUE PHOTO COPY OF THE ORDER DATED 3.3.2003 PASSED BY THE SECOND RESPONDENT.**

EXT.P3 **TRUE PHOTO COPY OF THE ORDER DATED 15.5.2004 PASSED BY THE CO-OPERATIVE TRIBUNAL.**

EXT.P4 **TRUE PHOTO COPY OF THE REPRESENTATION SUBMITTED BY THE FIRST PETITIONER BEFORE THE SECOND RESPONDENT ON 10.7.2006.**

EXT.P5 **TRUE COPY OF RECEIPT DATED 19.7.2006 ISSUED BY THE THIRD RESPONDSENT BANK SHOWING THE PAYMENT OF THE AMOUNT.**

EXT.P5(A) **TRUE PHOTO COPY OF RECEIPT DASTED 31.8.2006 ISSUED BY THE THIRD RESPONDENT BANK SHOWING THE PAYMENT OF THE AMOUNT.**

EXT.P6 **TRUE PHOTO COPY OF THE REPRESENTATION SUBMITTED BY THE WIFE OF THE 1ST PETITIONER BEFORE THE 2ND RESPONDENT.**

// TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C. NO. 751 OF 2007 M

Dated this the 25th July, 2007

JUDGMENT

The first petitioner availed a loan. Second respondent stood as surety. The amount was not repaid. First petitioner approached the second respondent, Assistant Registrar, who directed the matter to be considered favourably. The third respondent Bank granted the request. Rs.30,000/= was paid on 19.7.2006 and another sum of Rs.10,000/= was paid on 31.8.2006. Thereafter, it is stated that the third respondent Bank is going back from its word and withdrawing the benefit granted. Heard the learned counsel appearing for the respondent Bank also. Having regard to all facts, the petitioners are permitted to pay off the entire amount remaining due with interest in ten equal monthly instalments, the first of which shall be payable on or before 23.8.2007 and the remaining instalments on or before the 23rd of every succeeding month. The

respondent Bank will serve a Statement on the petitioners showing the exact amount of instalments to be paid, within a period of two weeks from today. If any of the instalments is not paid by petitioners, it will be open to the third respondent Bank to proceed against the petitioners in accordance with law.

The Writ Petition is disposed of as above.

K. M. JOSEPH, JUDGE

kbk.